

**Superior Town Council  
Town Council Meeting**

**Thursday, March 19, 2009  
Superior Senior Center  
Superior, Arizona**

**M I N U T E S**

**A. Call to Order**

Mayor Hing called the meeting to order at 7:08 p.m.

**B. Salute to the Flag**

Mayor Hing led the council, staff and audience in the pledge.

**C. Opening Prayer**

Mayor Hing led the Town Council, Staff and audience in an opening prayer.

**D. Roll Call**

**Members Present:** Councilmember Cervantes, Second Vice Mayor Lopez, Mayor Hing, Councilmember Aguilar, Councilmember Heglie

**Members Absent:** Vice-Mayor Valenzuela, Councilmember Peralta

*A quorum was present and the meeting continued.*

**E. Consent Agenda**

Mayor Hing introduced the items on the consent agenda. The items on the consent agenda for approval were:

Approval of Minutes for Regular Meeting: March 5, 2009

Disbursements for the month of January and February 2009

Blanket Permit Request for Superior Little League

Blanket Permit Request for Red Bear Outfitters

Street Closures May 2 and 3 Superior Soap Box Derby

Resignation of Barbara Arriola from the Planning and Zoning Commission

Mayor Hing asked that when the motion is made to approve the consent agenda that the motion say that councilmember's excuse themselves from the approval of disbursements made to themselves and/or their businesses. Vice Mayor Lopez made a motion to approve the consent agenda excusing councilmember's from approving disbursements made to them personally or their businesses. Councilmember Heglie seconded the motion. The motion passed unanimously.

**F. Communication**

**1. Managers Report**

Ms Oliver introduced Ms. Adrianna Clifton from the Boy Scouts of America. Ms. Oliver explained in her introduction that Ms. Clifton was at the meeting to make the official charter presentation of the Superior Law Enforcement Explorer program. Ms. Clifton thanked the Town of Superior, Officer Drennon, Captain Pryor, Chief Digirolamo, Fire Fighter Doug Williams, and David Pfohl for their support to make the Explorer Post a reality. The Explorer Group stood for introductions and pictures during the Charter Presentation. Ms. Clifton gave a brief explanation of the Explorers Program and the principals it follows. Officer Drennon gave a brief update on the post and their upcoming activities.

Ms. Oliver introduced Adam Hawkins from Resolution Copper. He gave a brief update on the progress of the land exchange and also current construction of the number 10 shaft at the East Plant.

Prior to and during the presentation by Mr. Hawkins, Resident Richard Green made several outbursts requesting a call to a house and accusing the staff and council of violation of the open meeting law.

Ms. Oliver began to introduce a representative from CK Group. She explained that the CK group has worked on a few engineering projects for the Town and will be submitting a bid for services. Ms. Oliver was interrupted once again by resident Richard Green once again making accusations of violations and requesting a call to the house. Mayor Hing recessed the meeting at 7:30 p.m. Chief Digirolamo and Lt. Campbell talked with Mr. Green regarding his outbursts. Mayor Hing called the meeting back in session at 7:38p.m.

Ms. Oliver answered questions regarding her written report. She explained that she appointed Mr. Williams for a construction project manager and is still looking at other candidates to assist. She also gave a brief update on the discrepancies between BHP and the ADEQ environmental reports. She recommended the council host a work session regarding this subject.

#### **G. Public Hearing**

##### **1. Public Hearing VA 2009-01, Manuel Castillo, owner and applicant, requests approval of a variance application to the required set backs for an accessory structure. Located at 112 Saguaro Dr. (Parcel number 105 09 06401 with the Pinal County Records office)**

Councilmember Heglie made a motion to move into public hearing. Vice Mayor Lopez seconded the motion. The motion passed unanimously.

Ms. Oliver and Ms. Brothers gave a brief explanation of the why the variance was needed. They stated that the resident was issued a stop work order on the project because the structure did not meet zoning code setbacks. Ms. Brothers explained that other residents in the area have these structures and staff recommended approval of the variances. Both explained that the neighbors in the area of the residence were notified of the variance request.

Mayor Hing asked Mr. Castillo the property owner to make his presentation requesting the variance. Mr. Castillo explained that this building would only be used for storage and would not be used for a business or living quarters. He stated that the structure is still at least 20 feet away from his neighbors' homes and he is okay with the structure being close to him home.

Mayor Hing called for any comments from the public.

**Katheryn Arnold** - 107 Saguaro: Ms. Arnold explained that she had not problem with the variance request as long as the building was not for a business. She stated that in the public notice it said the variance was for Manuel Castillo LLC. She restated that as long as the building was only for storage she had not problem with the request for a variance.

**John Perez** – 108 Saguaro: Mr. Perez explained that he had no problem with the structure being built. He explained that he is a next door neighbor to the Castillo's and he is comfortable with the structure being built.

Ms. Oliver explained that staff uses a template when issues the notification letter and public posting and it was only a Typo that Mr. Castillo's paperwork is not for a business or held by an LLC. She stated that when the council makes a motion to make the motion to fix the typo in public notices.

No further comments. Councilmember Heglie made a motion to adjourn the public hearing and return to the regular meeting. Councilmember Cervantes seconded the motion. The motion passed unanimously.

#### **H. Business**

##### **Possible Discussion and/or action on the following**

**Discuss/Approve/Reject VA 2009-01, Manuel Castillo, owner and applicant, requests**

**approval of a variance application to the required set backs for an accessory structure. Located at 112 Saguaro Dr. (Parcel number 105 09 06401 with the Pinal County Records Office)**

Ms. Oliver stated that staff recommended approval of the variance. Councilmember Aguilar made a motion to approve the variance and correct the typo in the public notices to reflect that Mr. Castillo is not a LLC. Councilmember Cervantes seconded the motion. The motion passed unanimously.

**Discuss Sewer and Trash delinquent bills – Manuel Ortega**

Ms. Oliver introduced Mr. Ortega a local resident who is concerned about the process to collect the delinquent sewer bills. Mr. Ortega expressed his concern that the town was not taking the baby steps they promised to use when collecting on the delinquent sewer bills. He said it was not right for the town be kicking people out of their homes. He asked why the town was not working with the residents instead of turning them into an attorney's office. He referenced a resident who came to him requesting assistance in his situation. Mayor Hing asked the Ms. Oliver explain the steps that the town has taken to collect the sewer bills. Ms. Oliver once again explained the entire process that was taken to collect on these delinquent sewer bills. She stated that she has gone door to door to the delinquent residents and given every attempt for them to create payment arrangements. Mr. Ortega listened to Ms. Oliver but stated he already heard all that and requested that the town try and get the attorney to send back some of the cases that were sent to attorney for collection/foreclosure. Ms. Oliver and Mayor Hing stated that once the accounts were placed at the attorney's office the town had no control to take the accounts back. Discussion followed on the particular resident requested assistance from Mr. Ortega. Ms. Oliver explained the process and communications she had with this property owner.

**Discuss Grants for homeless and repairing of homes-Manuel Ortega**

Mr. Ortega again explained that he had information he wanted to present to the council regarding taking care of the needy residents and not throwing them out on the street. He stated that he already knew what the town was going to say and what they have already said but he wanted to make sure he told the council what he heard. Mr. Ortega stated his concerns that families were being thrown out and the town was not trying to do anything to help them to not get evicted or having their houses demolished. Ms. Oliver again explained how the Stone property went through the abatement process and how the town will recoup the funds. She again explained that town is not just going and taking away peoples homes. She explained the communication process to the residents/property owners and explained that the sewer foreclosures and code enforcement abatement process were two separate issues. Mr. Ortega explained that he wanted the town to look at grant programs to help build houses and rehabilitate homes. Ms. Oliver and Mayor Hing also explained that the town is working to try and implement these types of programs in Superior and Mayor Hing encouraged Mr. Ortega to get involved with the task groups and committees working on these types of projects. Audience member and resident Jim Gilbert reported on a few projects he has already discussed with the manager regarding a housing authority and using USDA/FHA monies to build and remodel homes in Superior.

**Discuss/Approve/Reject the hiring of Interim Town Manager as the Town Manager – Mayor Hing**

Mayor Hing explained that action on this item would only mean an official title change for the Manager as she is willing to take the position without negotiating a salary increase. Mayor Hing also explained that the Managers salary is well below what most managers are paid.

Vice Mayor Lopez made a motion to approve hiring Ms. Oliver as the Town Manager. Councilmember Aguilar seconded the motion. The motion was approved unanimously.

**Discuss/Approve/Reject Canvassing of the Primary Election Votes – Melanie Oliver**

Ms. Oliver explained that once the votes were canvassed the election results become official. Mayor Congratulated Mr. Gutierrez for securing his seat as a councilmember and wished the other candidates running in the general election good luck.

Vice Mayor Lopez made a motion to approve the canvassing of the votes. Councilmember Heglie seconded the motion. The motion passed unanimously.

Mr. Green local resident began commenting on his research that proved the election was illegal. He continued to share with the council and audience all the research that he had done. Mr. Gilbert another local resident then gave a rebuttal to the comments of Mr. Green saying that the town was able to remedy the situation and was reviewed by the attorney he also asked Mr. Green why if he knew about this mistake why did he wait so long to say anything and why did only three of the other candidates seem to get their petitions in on time.

**Discuss/Approve/Reject the Tyler Technologies Software Lease – Aja DeZeeuw**

Ms. DeZeeuw and Ms. Oliver gave a brief overview of how the current financial software works. They explained that the current system is very cumbersome to use and does not include a very good support system for technical assistance or program support. They both requested the lease purchase of the new Tyler Technologies system.

Ms. DeZeeuw explained that the system is much more user friendly and has a very robust training and support system included with the lease terms. She also stated that at the end of the lease the Town can purchase the software for \$1.00 and that all upgrades to the software were included without additional charge. Discussion followed on how is the information in the system secure and is it suitable for small towns. She explained that she she would like to implement the system with the 2009-2010 fiscal year.

Vice Mayor Lopez made a motion to approve the lease for the software. Councilmember Heglie seconded the motion. The motion was approved unanimously.

**H. Call to the Public**

**Mr. Hank Gutierrez-** thanked the Town of Superior for their support during the Apache Leap Mining Festival. He gave a brief update on the events of the previous weekend and explained that this year the chamber hosted the first youth mining competition and also the first woman competed in the Jack Leg Drilling contest.

**Mr. Jonathan Kolton –** Congratulated Mayor Hing for being elected as Mayor. He also stated that he was proud of the current council and staff for making so many accomplishments.

**Mr. Jim Gilbert-**(utilizing a cheerleading megaphone) Mr. Gilbert commented on once again on the comments made by Mr. Green in relation to the election issues. Mr. Gilbert reminded everyone that there the symbolic blindfolded lady holding the scales represented the need for balance between law and justice. He stated that both have to be in balance and that in the situation with the elections ; Town and Election Officials involved made the decision that was the just and right thing to do. He also stated that this battle will be won by the town. Mr. Gilbert also said that he was the glad the carnival was not in his neighborhood and thought the festival went well. He said he only heard a few petty complaints. He also stated that his dream is to bring low income housing to Superior and that he feels he will have some positive actions completed within 30 days to make this dream a reality.

**Mr. Merlin Gindlesperger –** Expressed his concern that there are many potential issues at the sewer plant. He stated that he is concerned that if something happens to the plant the town will have to create an assessment on all the residents to make necessary repairs.

**Ms. Oliver-** reminded everyone about the Community Pride day on Saturday, April 4, 2009. She stated they still need many volunteers and encouraged everyone to get involved.

**Ms. Christy Hayes –** gave a brief update on the Parks and Recreation Easter Events.

**Chief Lou Digirolamo –** gave a report on the homicide investigation. He stated that the victim was Daniel Pena from Casa Grande and that further information could not be released until more of the investigation was completed. He also reported that the Superior Police Department was working with the Pinal County Homicide unit on the investigation. He stated that he will keep

the council informed as more information is released.

**Mayor Hing announced that there were no items for Executive Session.**

**I. Executive Session**

The Town Council may or may not vote to go into Executive Session pursuant to ARS 38-431.03 (A-1), (A-3) & (A-7)

(A-1) – Personnel

(A-3) – Legal Advice with Attorney

(A-7) – Legal Advice on Sale, Lease, or Purchase of Real Property:

**J. In Public Session:**

**K. Council Comments**

**Councilmember Heglie**

Congratulated the New Town Manager.

**Councilmember Cervantes**

Congratulated the Town Manager. He also expressed his excitement about the housing projects that Mr. Gilbert was working on.

**Councilmember Peralta**

No comments – Absent.

**Councilmember Aguilar**

Congratulated Ms. Oliver for being approved as the Town Manager. He also congratulated Mr. Gutierrez for being elected to the council.

**Second Vice Mayor Lopez**

Congratulated Ms. Oliver and stated that Ms. Oliver has really helped the Town to take the next steps they needed to take.

**First Vice Mayor Valenzuela**

No Comments - Absent

**Mayor Hing**

Stated that no records have been destroyed and that anyone can request copies of town records for twenty five cents a copy. He also stated that the town did receive a request from the Queen Valley Fire District that they would like to make arrangements to utilize Fire Rescue One. He stated that at this time the Queen Valley Fire District can not afford to purchase the item, however he would like for a legal agreement for them to utilize it. He also stated that Queen Valley does provide back up to Superior during emergencies and accidents. He asked the manager to please pull fire rescue one from the auction. Mayor Hing also congratulated Mr. Gutierrez for his election victory, and he wished his best to the other candidates. He also thanked the council for their ongoing support.

**L. Adjournment**

Councilmember Heglie made a motion to adjourn the meeting. Vice Mayor Lopez seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:27 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Superior held on the 19<sup>th</sup> day of March 2009. I further certify that the meeting was duly called and held and that a quorum was present.

/s/  
Melanie Oliver \_\_\_\_\_  
Melanie Oliver  
Town Manager

